

Remarks

Claims 21-47 stand finally rejected under 35 U.S.C §103(a). All of claims 21-47 are finally rejected over U. S. Patent No. 6,705,531 to Norton, et al. ("Norton") in combination with one or more of the following additional references: U. S. Patent No. 6,601,045 to DePietro, et al. ("DePietro") and U. S. Patent No. 6,076,731 to Terrell, et al. (Terrell").

While the applicants continue to regard their invention as being not shown or suggested by Norton alone or in one or more of the combinations proposed by the Examiner, the applicants note that Norton does not qualify as a reference against the present application.

In a telephone interview dated October 19, 2005 (Summary filed concurrently) applicants' representative and the Examiner discussed the impact of Norton not qualifying as a reference. The Examiner stated that a supplementary search and examination would be performed relative to claims 21-47 and stated that 21-47 would be allowed unless new grounds for rejection of claims 21-47 could be substantiated pursuant to the supplementary search and examination. The Examiner also indicated that, unless objected to by a supervisory Examiner, the "finality" of the office action status would be withdrawn to allow new prior art references to be submitted for consideration. An Information Disclosure Statement for consideration by the Examiner was filed October 21, 2005.

Based on the indication that the finality of the action will be withdrawn, the applicants submit new claims 58-71. New claims 58-71 are directed to subject matter similar to original claim 8 with "tray" limitations deleted and new claims 68-71 directed to subject matter similar to original claim 10 with "tray" limitations deleted. Claims 8 and 10 were previously cancelled without prejudice or disclaimer for purposes of reducing issues for consideration and for expediting an allowance.

The applicants note that the initial search of the Examiner reported in the first office action dated March 16, 2004 fails to demonstrate that new claims 58-71 are not shown or

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suggested by the prior art. While the Examiner rejected original claims 5 and 8 under 35 U.S.C. §102(b) over U. S. Patent No. 5,642,160 to Bennett ("Bennett"), the teachings of Bennett that were referenced by the Examiner cannot be regarded as containing the recitations of either original claims 5 or 8 or of new claims 58-71.

According to MPEP §2131, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The referenced section of Bennett is as follows.

The CPU 310 builds a card database 350 based on images captured by device 10. The CPU 310 may optionally build a likeness database 360 based on the likeness images from camera 230. *Bennett, column 3, lines 37-40.*

While the referenced section of Bennett may be suggestive of some form of image database, the referenced section of Bennett cannot reasonably be taken to be suggestive of the card type lookup table having the specific attributes as are referenced by the applicants in original claims 8 and 10 now cancelled without prejudice or disclaimer or in new claims 58-71.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

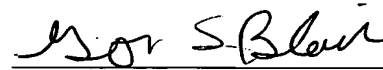
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

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Respectfully submitted,

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